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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/949,525 ~ 10/14/97 WIENER

M ENT970827-1

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WM31/0703

EXAMINER

MEISLAHN, D

ART UNIT	PAPER NUMBER
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2132

DATE MAILED:

22
07/03/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/949,525

Applicant(s)

WIENER ET AL.

Examiner

Douglas J Meislahn

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed 17 May 2001 that amended claim 1.

Response to Arguments

2. Applicant's arguments filed 17 May 2001 have been fully considered but they are not persuasive. Applicant has insinuated that Ellison teaches only allowing a user to choose the validity period for a key pair. This misinterpretation might have stemmed from the examiner explaining Ellison in this context. This is by no means the only environment to which Ellison's teachings are applicable, as a reading of Ellison will show. This should clarify the examiner's second comment in the advisory action of 14 February 2001.

Contrary to some of applicant's comments, the examiner's aforementioned explanation of Ellison is entirely consistent with the claims. While applicant argues that his claims are distinctly different from a system in which a user defines the validity period of a key pair, a system in which a user requests a key pair from a multi-client manager unit is covered by applicant's claims. In essence, applicant has been arguing that the key pairs are provided to a multi-client manager unit, instead of by a multi-client manager unit to an undisclosed recipient, as the claim actually states. Hopefully, applicant now understands the first comment in the advisory action of 14 February 2001.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 8-18, 20-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (5761306) in view of Ellison (Generalized Certificates).

Lewis shows a public key replacement system. Figure 2 shows that both private and public keys are updated. Lewis' system causes a key switch. Lewis does not say that there are certificates with expiry data that is user selectable. Ellison talks throughout his disclosure about certificates, which are used to authenticate public keys. These certificates are issued by certification authorities. On page five, Ellison says that he believes that there is a problem with CRLs. He believes, as he says in the paragraph bridging pages five and six, certificates should each include a validity field. He goes on to say that "[i]t is up to you to decide how long you're willing to have an invalid certificate out in the world – and to define the validity period accordingly. This is a matter of normal risk management." An example of decisions made based on risk management is demonstrated by buyers of RSA's keys; users can get a short-lived key pair for free but have to pay for longer lasting keys. An e-mail message that begins on page seven and ends on page 9 of Ellison's article outlines the benefits of eliminating CRLs. Therefore it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to give users the ability to define the validity period for certificates, as taught by Ellison, in the public key update system of Lewis.

Additional material in claim 9 is anticipated by Lewis. Claim 2 is shown by Ellison. Claim 3 is met by Lewis in lines 64-65 of column 7. Claim 6 is inherent to Ellison in that an interface to select validity periods is required.

5. Claims 5, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis and Ellison as applied to claims 1, 14, and 21 above, and further in view of applicant's admitted prior art.

Lewis and Ellison teach the selection of key validity periods on a per client basis. They do not specify a time frame in which a client can request key updates. In lines 14 through 19 of page 2, applicant discusses a conventional public key system in which keys have a fixed default period that is "... generally a fixed percentage or a total key lifetime ...". Official notice is taken that fixed length renewal periods are old and well known. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to set key update periods that are based on a fixed number of days and a percentage of a key's lifetime. This method provides flexibility by giving clients who have keys that have either extremely long or extremely short lifetimes two options as to when to update their keys.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis and Ellison as applied to claim 1 above.

Lewis and Ellison teach the selection of key validity periods on a per client basis. In their system, keys are created by a user and then sent to a certification authority for a

certificate. In another implementation of public-key cryptosystems, the certification authority both generates and verifies the public/private key pair, sometimes on request. The previously mentioned RSA key marketing method exemplifies this. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply the teachings of Lewis and particularly Ellison to the well-known public key cryptosystem where a certification authority produces the key pair.

Conclusion

7. This is a CPA of applicant's earlier Application. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Meislahn whose telephone number is (703) 305-1338. The examiner can normally be reached between 9 AM and 6 PM, from Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann can be reached on (703) 308-7791. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-0040 for regular communications and (703) 308-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Douglas J. Meislahn
Examiner
Art Unit 2132

DJM
July 1, 2001


GAIL HAYES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



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